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October 30, 2024

VIA ECF

The Honorable Dale E. Ho
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 905
New York, New York 10007

Re: United States v. Adams, 24 Cr. 556 (DEH)

Dear Judge Ho:

I represent Mayor Eric Adams in the above-captioned matter. I write pursuant to Rule 9 of the Court's Individual Rules and Practices in Criminal Cases regarding my letter-motion filed earlier today on the public docket with redactions. I respectfully request leave to file under seal an unredacted copy of the letter-motion and Exhibit 1 attached thereto.

On Monday, October 21, 2024, Mayor Adams received from the government a production of documents that included an FBI Form 302, attached to my recently filed letter-motion as Exhibit 1. Although documents "relevant to the performance of the judicial function and useful in the judicial process" are entitled to a presumption of public access, this presumption must be balanced against "competing considerations." *Lugosch v. Pyramid Co. of Onodaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). Courts in this District routinely permit discovery provided to defendants in criminal matters to be filed under seal. *See, e.g., United States v. Smith*, 985 F. Supp. 2d 506, 520 (S.D.N.Y. 2013) (holding "there is no presumptive right of access to the discovery materials provided in" criminal matters and collecting cases). The Form 302 contains sensitive grand jury information which may not be disclosed, including the identity of a grand jury subpoena recipient, and is covered by the parties' Protective Order. The redactions to the publicly filed letter-motion consist of quotes from the FBI Form 302 and references to the government's discovery to date.

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Accordingly, because Exhibit 1 contains grand jury material provided as discovery to Mayor Adams, I respectfully request the Court grant leave to: (1) maintain the redactions to the publicly filed letter-motion, ECF No. 44; (2) file an unredacted copy of the letter-motion under seal; and (3) file Exhibit 1 under seal.

Respectfully submitted,

A handwritten signature in dark ink, consisting of a stylized 'AS' followed by a horizontal flourish.

Alex Spiro